



Montoya, Darlene <dmontoya@nmag.gov>

Use of Force Policies

4 messages

Javier Sanchez <jsanchez@rooseveltcounty.com>
To: dmontoya@nmag.gov

Thu, Feb 2, 2017 at 11:55 AM

Hello,

I received your letter in the mail in reference to the request of Use of Force Policy. We are currently in the process of updating our entire Policy manual. I spoke to the Sheriff and he told me we can send you the Policy as soon as we have it approved. If you need our old policy let me know I can send it to you.

Lieutenant Javier Sanchez

Roosevelt County Sheriff's Office

109 Airport Road

Portales, New Mexico 88130

Phone: [575-356-4408](tel:575-356-4408)

Fax: [575-356-6471](tel:575-356-6471)

Email: jsanchez@rooseveltcounty.com

Montoya, Darlene <dmontoya@nmag.gov>
To: Javier Sanchez <jsanchez@rooseveltcounty.com>

Thu, Feb 2, 2017 at 12:00 PM

Please send me your previous policy and I will attach your note that it is being revised as we need to start getting these ready for the LEAB Subcommittee to review. Once your new policy is in place, please forward to me and I will give to them. Another thing the LEAB Subcommittee would like to know if how often these policies are revised and/or reviewed; and how often your officers receive training on these SOPs.

Thank you.

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Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501
(505) 490-4854

Javier Sanchez <jsanchez@rooseveltcounty.com>
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Mon, Feb 6, 2017 at 4:15 PM

Hello,

Sorry for the delay but here is the Use of Force Policy. We are currently in the process of reviewing/revising all of our policies and plan on reviewing the Policies on a yearly basis or when there is any changes in Law that require a revision. I hope this helps. If you have any other questions please let me know.

Lieutenant Javier Sanchez

Roosevelt County Sheriff's Office

109 Airport Road

Portales, New Mexico 88130

Phone: 575-356-4408

Fax: 575-356-6471

Email: jsanchez@rooseveltcounty.com

From: Montoya, Darlene [mailto:dmontoya@nmag.gov]

Sent: Thursday, February 02, 2017 12:00 PM

To: Javier Sanchez <jsanchez@rooseveltcounty.com>

Subject: Re: Use of Force Policies

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 [Use of FOrce.pdf](#)
6538K

Montoya, Darlene <dmontoya@nmag.gov>
To: Javier Sanchez <jsanchez@rooseveltcounty.com>

Mon, Feb 6, 2017 at 4:27 PM

Thank you so much Lieutenant Sanchez. Have a great rest of the day and stay safe.

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SECTION 24: USE OF FORCE

PURPOSE: TO PROVIDE GUIDELINES FOR SHERIFF'S DEPUTIES OF THIS AGENCY TO FOLLOW IN THE USE OF FORCE, EITHER DEADLY OR NON-DEADLY, TO BRING AN INCIDENT UNDER CONTROL.

POLICY: THIS AGENCY RECOGNIZES AND RESPECTS THE VALUE AND SPECIAL INTEGRITY OF EACH HUMAN LIFE. IN VESTING DEPUTIES WITH THE LAWFUL AUTHORITY TO USE FORCE TO PROTECT THE PUBLIC WELFARE A CAREFUL BALANCING OF ALL HUMAN INTERESTS IS REQUIRED. THEREFORE, IT IS THE POLICY OF THIS AGENCY THAT DEPUTIES SHALL USE ONLY THAT FORCE THAT IS REASONABLY NECESSARY TO EFFECTIVELY BRING AN INCIDENT UNDER CONTROL, WHILE PROTECTING THE LIVES OF THE DEPUTY OR ANOTHER.

PROCEDURE:

I. NON-LETHAL FORCE POLICY

The purpose of this policy is to establish a procedure regarding the appropriate and acceptable Use of Force, to provide for a high degree of Deputy safety and to provide for the treatment of any injury or complaint of injury arising from the use of force.

It shall be the policy of this Agency to employ reasonable and necessary force to overcome resistance to affect an arrest, to protect the Deputy or another in process of the Deputy's duty.

This directive is for Agency use only and does not apply in any criminal or civil proceedings. The Agency policy should not be construed as a creation of higher legal standard of safety or care in evidentiary sense with respect to third party claims. Violations of this directive will only form the basis of Agency administrative sanctions. Violations of law will form the basis for criminal and civil sanctions in a recognized judicial setting.

II. LEVELS OF FORCE

With the majority of cases, some level of physical force will be necessary to affect an arrest or to protect others. That amount of physical force may be as low as placing a hand on a subject's shoulder or arm and directing that subject to place his hands behind his back for handcuffing. Depending on the level of resistance offered, the Deputy may use techniques that may escalate to physically pinning the subject to respond to techniques which influence behavior by eliciting pain in order to apply handcuffs using hand/leg strikes, impact weapons, or even the use of a firearm, if the resistance offered is severe. In all cases only "necessary" force is justified. Any force above that act would be unjustified and a criminal act by a Deputy would then occur.

For the purposes of this policy, the use of force will be examined from two perspectives; resistance and control. Both control and resistance can be in the form of verbal directives

or physical action; resistance is defined as actions that are directed from the Deputy toward the subject.

Resistance is manifested by the subject's attempts to evade a Deputy's attempts of control. The amount and type of resistance will vary, based on a variety of factors.

Control is the force a Deputy uses to influence or neutralize the unlawful, physical actions of a subject. Generally, there are four times a Deputy is justified in using physical control methods. They are:

- 1) to stop potentially dangerous and unlawful behavior.
- 2) to protect the Deputy or another from injury or death.
- 3) to protect subjects from injuring themselves.
- 4) in the process of effecting a lawful arrest and the subject resists.

Justification of the use of force in the judicial system is measured by two broad standards. First, the Deputy's use of control methods were initiated by a subject's resistance. Second, the level of physical force used by the Deputy was "necessary" and not excessive when considering the type of resistance offered by the subject.

III. LEVELS OF RESISTANCE

Resistance is defined as the force used by a subject under arrest against the Deputy who is affecting the arrest. Although the resistance offered by a subject is usually physical, the type and amount of resistance a Deputy meets is determined by the subject's level of intent. The intent of the subject may range from passive resistance to an active, aggressive attack on the Deputy.

Resistance may be categorized into three broad areas:

- 1) Verbal resistance, i.e., denial to lawful orders of arrest or commands, verbal threats or assaults
- 2) Physical resistive actions, i.e., passive resistance, defensive resistance, active aggression
- 3) Aggressive acts, i.e., against the Deputy, often leading to severe physical injury

The Deputy's actions to resistance will be based upon his perception of the level of resistance. The Deputy has been trained to use the necessary amount of force to

control a subject offering any level of resistance.

- A. *Psychological Intimidation*: Non-verbal actions, often called body language, will influence an Deputy's decision on how to approach a subject or what level of force to use if a subject starts to resist an arrest. Non-verbal intimidation actions may include clenching of fists, widening of foot stance, or a blank expression that may warn a Deputy of an individual's emotional state. These non-verbal intimidation actions often warn a Deputy of a subject's potential for violence, when the subject has offered no verbal threats. However, a Deputy's reaction to a subject's non-verbal intimidation signals should be used as information to mentally propose the Deputy's alternatives to possible attack, not as a justification for attack. A Deputy who reads the non-verbal signals and believes that physical control is necessary to prevent a subject from injuring himself, others, or the Deputy, may initiate action before any overt moves are made by the subject.
- B. *Resistive Dialogue*: A subject's dialogue that offers the threat of physical resistance to a Deputy's commands is not normally considered resistance until he or she physically resists. However, dialogue in the form of threats of physical injury may influence a Deputy's opinion as to the amount of force needed to effect control. An offender may boast of his fighting skill and his intention to injure the Deputy, or assume a fighting stance such as raised hands or clenched fists. Verbal threats or psychological threats may influence the Deputy's judgement to attempt either empty hand control, impact weapons, or even firearms if the subject has a weapon or has such great physical skills that threat of life is real.

The reaction to verbal threats made by a subject may differ from Deputy to Deputy. A Deputy's decision of the level of force necessary to control a subject will be based on his perception of the threat and the subject's ability to carry out that threat. An additional factor is the Deputy's knowledge of his own physical ability to manage the threat presented. If the Deputy believes that he does not have sufficient skill to establish control with empty hand methods, he or she has been trained to escalate the level of force.

- C. *Passive Physical Resistance*: Passive Resistance is the lowest level of physical resistance. The subject resists control through passive physical actions. At this level, the offender never makes any attempt to defeat the physical contact of the Deputy. Passive Resistance is usually in the form of a relaxed or "dead weight" posture intended to make the Deputy lift, pull or muscle the subject to establish control.
- D. *Defensive Physical Resistance*: Quite often, Deputies find themselves confronting a suspect who is physically resisting the Deputy's attempt to control him or her by directing overt, defensive, physical actions. With this level of resistance, the offender attempts to push or pull away in a manner that does not allow the Deputy to establish control. However, the subject never attempts to strike the Deputy.

- E. *Active Physical Aggression:* Active Physical Aggression is when a suspect attacks the Deputy to defeat attempts of control. The attack is a physical assault on the Deputy in which the offender strikes or uses techniques in a manner that may result in injury to the Deputy or others.
- F. *Aggravated Active Physical Aggression:* Aggravated Active Physical Aggression is when a subject uses a level of physical force that requires the Deputy to use, or at least, justifies his use of deadly force. At this level, Deputies may not only face resistance to an arrest, but also overt, physical actions of force where the subject is assaulting the Deputy with a weapon, and/or uses techniques or objects which could result in death or bodily harm to the confronting Deputy.

IV. LEVELS OF CONTROL

Once a Deputy determines that he must use physical force, the level of force used will be dependent upon the Deputy's perception of resistance and danger of that resistance, and whether that resistance is placing the Deputy or another in jeopardy of serious injury or death. It is important to note that each Deputy's perception of the danger of the level of resistance will be based upon his/her past training, experience, and knowledge of physical control techniques.

Force that a Deputy uses to gain control over a subject's resistant actions is divided into the following categories:

Verbal Direction
Empty Hand Control
Intermediate Weapons
Lethal Force

- A. *Verbal Direction:* The majority of situations can be resolved by good communication skills or Verbal Direction. Often, the mere presence of a Deputy and proper verbal direction will be sufficient to persuade most individuals to follow a Deputy's direction. In any verbal confrontation, fear and anger must be defused before a suspect will be able to understand the Deputy's commands; this will require good communication skills and patience. Successful communication techniques can prevent many physical confrontations from escalating to higher levels.
- B. *Handcuffs and Restraints:* The purpose of handcuffs, flex cuffs, or transport handcuffs is to restrain the movements of a subject in a manner that provides a safe means of transportation for Deputies. Restraints also prevent further physical resistance from a subject. The Agency policies for the use of restraints are as follows:
 - 1. All subjects taken into custody should be handcuffed behind their back. This is to ensure the safety of the Deputy or other citizens. Exceptions to

this rule are:

- When the subject has an injury that does not permit his/her arms to move behind the back
- When the subject's age, physical condition, or physical limitations may also indicate a change in this procedure
- All subjects taken into custody should be handcuffed behind their back, and the handcuffs double-locked. Exception to this rule is:
 - When the arrest environment is tactically unsafe for the Deputy to double lock the handcuffs.

2. If a subject complains that the handcuffs are too tight, the transporting Deputy is to ensure that unnecessary tightness, which may prevent proper blood circulation, does not occur.
3. To ensure proper safety for Deputies, all subjects will be handcuffed before being searched.
4. Except under exceptional circumstances, Deputies should not handcuff a subject to fixed objects such as posts, vehicles, buildings, etc.
5. It is not uncommon for a Deputy to arrest a subject, place him in restraints, and then have the subject start to resist. If a Deputy does encounter this type of resistance, the Deputy should utilize control techniques to prevent injuries to the Deputy or injuries to the subject. However, the control techniques should be limited to those that would not be construed as excessive force.

C. *Empty Hand Control:* Empty Hand Control physical contact techniques cover a number of subject control methods. Some of these methods may be as subtle as gently guiding a subject's movements, to more dynamic techniques such as strikes, kicks, or neck restraints that may have a higher potential of injury to the subject. This policy divides Empty Hand Control into two categories:

1. *Soft Empty Hand Control.* This level of control is designed for primarily low levels of resistance, but can be used to control any level of resistance. Soft Empty Hand Control techniques are techniques that have minimal or nonexistent possibility of injury. Generally, these techniques are used to control passive or demonstrator types of resistance and defensive resistance. However, Soft Empty Hand Control techniques can be utilized for any level of resistance. Examples of Soft Empty Hand Control techniques are joint locks, strength techniques and the use of pressure points.

2. *Hard Empty Hand Control:* This level of control is for high levels of defensive resistance, active aggression, or aggravated active aggression. These techniques are applied when lower forms of control have failed or are not applicable because the subject's resistance level was perceived at a dangerous level. Techniques that fall into this level of force have a probability of creating soft or connective tissue damage, skin lacerations that require medical attention or bone fractures. Although the use of these techniques may create some minimal injury to the offender, ad Deputy may be risking injury to himself or have to utilize higher levels of control (such as intermediate weapons) if Hard Empty Hand Control had not been used. Techniques that are considered as Hard Empty Hand tactics are: Striking Techniques - Techniques that may be delivered with an Deputy's open hand, fist, forearm, leg or foot. Preferably, the target points for these types of strikes will be delivered to major muscle mass such as the legs, arms, shoulders, or side of the neck. If the targets are these, the strikes will create muscle cramping, thus inhibiting muscle action. However, it may be necessary for the Deputy to strike areas where there is a potential for injury, such as the face or very sensitive areas of the body.
3. *Medical Considerations:* Any time a Deputy finds it necessary to strike a subject where an injury occurs, it is the policy of this Agency that the Deputy shall immediately contact the supervisor and advise the supervisor of the nature of the injury. The supervisor (or a Deputy in the event a supervisor is not available) shall transport the subject to the closest medical facility for medical attention.
4. *Neck Restraints:* The neck restraint sanctioned by this Agency is the Vascular Neck Restraint, which is a technique that applies arm pressure only to the sides of the neck. The respiratory neck restraint is a form of restraint that applies pressure to the front of the throat, which establishes control by choking a subject. Because of the high implications of lethal injury, the bare arm neck restraint is not to be used unless the Deputy is justified in the use of deadly force.
5. *Level of Neck Restraint Control:* The Vascular Neck Restraint allows an Deputy to use only that degree of force which is necessary to control the subject. The amount of force needed can be increased or relaxed as the situation requires. The following are the three distinct levels of control that can be achieved with the properly applied vascular neck restraint.

Level I

The subject is held loosely by the neck with his balance broken to the rear. The Level I neck restraint is much like a rear headlock, which is effective in breaking up fights. When the Level I neck restraint is used, there is no pressure applied to a subject's neck.

Level II When the Level II neck restraint is applied, the subject is held firmly about the neck with his balance broken to the rear. If resistance continues, the sides of the neck are compressed until the subject stops resisting. This level of restraint is usually sufficient to control all but the most violent kinds of resistance.

Level III The Level III neck restraint is applied when the resistance continues past the Level II phase. As resistance continues, pressure is increased until all resistive tension stops, or until the subject is unconscious. Depending on the subject's resistance and the technique proficiency of the Deputy, the subject should be brought under control in 4 - 7 seconds. The restraint is immediately relaxed as soon as the subject stops resisting. If the subject resists to the point of unconsciousness, he should be gently placed on his back with care taken to prevent having to apply a neck or head restraint. The subject should be immediately placed into restraints, so as to prevent having to apply a neck restraint a second time should the subject revive in a violent manner. This level of restraint is particularly effective against enraged subjects who refuse to submit and cannot be controlled by other means. It is also effective to control subjects that are under the influence of alcohol or drugs, who may possess tremendous strength and resistance to pain.

Medical Considerations:

- 1) If a subject is rendered unconscious, the subject should revive in 5 - 20 seconds without any assistance from the Deputy. However, anything around the subject's neck should be immediately loosened to help ensure normal breathing.
- 2) If a subject has been rendered unconscious and is breathing normally, the Deputy will immediately handcuff the subject to prevent applying a neck restraint a second time.
- 3) In the event the subject does not revive in 20 seconds, standard approved methods of resuscitation should be implemented immediately.
- 4) Any time a Deputy finds it necessary to place a subject into unconsciousness for purposes of control, the Deputy will immediately contact a supervisor and inform the supervisor of the nature of the incident.
- 5) The Deputy shall transport the subject to the nearest medical facility for medical attention, or at a minimum summon EMS personnel to

the scene to evaluate the subject.

D. *Impact Weapon:* The Agency-approved baton is a tool that can provide a means by which an Deputy can defend himself or another from injury and a means of controlling offenders when an Deputy is facing resistance in the form of active aggression or aggravated active aggression. This level of control employs the use of Agency approved tools that provide a method of controlling subjects when deadly force is not justified, but when empty hand control techniques are not sufficient in effecting an arrest. Whenever a Deputy uses an intermediate weapon for control, it should always be with the intent to temporarily disable an offender, and never with the intent of creating permanent injury. When intermediate weapons are used, it is quite likely that some form of skin irritation, bruising, soft or connective tissue damage to bone fractures may occur.

The policies of the carrying and use of impact weapons are as follows:

1. No Deputy shall carry an impact weapon in which he/she has not had semianual, certified training.
2. The impact weapon should be carried in the baton carrier, or in a low profile position when the baton is not being used.
3. At no time shall a Deputy unnecessarily brandish or use the impact weapon as an intimidation device unless the Deputy is attempting to prevent the further escalation of force.
4. All strikes with an impact weapon should be delivered to the following areas:

Primary Targets, Major Muscle Mass: Such as the forearms, thighs, or calves. These locations should be primary targets because of the low implications of subject injury. Impact weapon strikes to these locations normally create severe muscle cramping which inhibits a subject's ability to continue aggression.

Secondary Targets, Joints or Bones: These targets, the elbows, wrists, and knees, have a high probability of creating soft or connective tissue damage or bone fractures when struck with an impact weapon.

Deadly Force Targets, Head, Neck, Throat and Clavicle: Impact weapon strikes to these areas should not be used unless the Deputy is justified in Deadly Force. These striking points have high implications of creating severe injury in the forms of great bodily harm or death.

5. Any time a Deputy finds it necessary to strike a subject with an impact weapon for purposes of control, the Deputy will immediately contact a

supervisor and inform the supervisor of the incident.

6. The Deputy shall have EMS personnel evaluate the subject.

E. *Chemical Agents:* The Agency-approved chemical agent is a tool that can provide a means by which a Deputy can defend himself or another from injury and a means of controlling an offender when a Deputy is facing resistance in the form of active aggression. The policies of carrying and the use of Agency-approved chemical agents are as follows:

1. No Deputy shall carry any chemical agent in which he/she has not had annual certified training.
2. The chemical agent should be carried in an appropriate pouch and never displayed or pointed at another individual in the form of horseplay.
3. At no time shall a Deputy unnecessarily brandish, or use the chemical agent as an intimidating device unless the Deputy is attempting to prevent further escalation of force.
4. Application of chemical agents against large groups of people will be at the command of the Sheriff or the designated second in command, except in cases of extreme emergency when the Deputy reasonably believes that such an application is warranted for the safety of himself or others.
5. Any time chemical agents are used for controlling an offender, the application of the chemical agent will end when the offender discontinues resistance or aggression.
6. Chemical agents are irritating to the eyes, nose and skin. Any time a Deputy uses a chemical agent for the purposes of subject control, the Deputy will ensure that the subject will receive adequate medical attention as soon as possible.
7. When a Deputy books a subject who has been exposed to chemical agents, the Deputy will advise the jail personnel to prevent the unnecessary contamination of other jail occupants or custody personnel.
8. Any time a Deputy finds it necessary to use a chemical agent for subject control, the Deputy will immediately contact a supervisor and advise him of the nature of the incident.
9. The Deputy shall request EMS personnel to the scene to evaluate the subject.
10. Deputies should refer to SECTION 12: CHEMICAL AGENT -

OLEORESIN CAPSICUM (OC) for further guidance on the use of chemical agents.

V. DEADLY FORCE POLICY

The purpose of this order is to provide Deputies with a single document explaining this Agency's policies and procedures related to the authorization, discharge and carrying of firearms. The primary responsibility of this Agency and of each of its members is to protect the lives of the citizens we serve. It is critical that every action of this Agency and of each of its members be consistent with that responsibility. It is also the responsibility of each member of this Agency to honor the established principles of a democracy. These principles include a reverence for human life, the value of any human life exceeds any physical property and the dispensation of punishment is not part of the law enforcement task.

This Agency and each of its Deputies has been granted extensive powers to meet these responsibilities. These powers have been granted by citizens, and this Agency and each of its Deputies are accountable to the citizens for the manner in which those powers are exercised. This is especially true where the power to use deadly force is concerned. The laws of this state define deadly force as "force which is likely to cause death or great bodily harm." Most often, deadly force involves the use of firearms. It is the policy of this Agency that display and discharge of firearms shall be held to the absolute minimum required to fulfill the responsibilities of this Agency and to protect the safety of Deputies. Therefore, this Agency has of this date, enacted the following police guidelines regarding the use of firearms and other means of deadly force. The following guidelines must be viewed as administrative guides for decision making before the fact and not as a standard for civil or criminal litigation judging the propriety of actions already taken. That is a matter of established law as well as a process for prosecutors, courts, and juries reviewing specific facts of a given incident.

Value of Human Life: The value of human life is immeasurable in our society. Deputies have been delegated the awesome responsibility to protect life and property and apprehend criminal offenders and protection of property must, at all times, be subservient to the protection of life. The Deputies responsibility for protecting life must also include his/her own.

VI. JUSTIFICATION LIMITS KNOWN TO THE DEPUTY

The basic responsibility of Deputies to protect life also requires that they exhaust all other reasonable means for apprehension and control before resorting to the use of firearms. Deputies are equipped with firearms as a means of last resort to protect themselves and others from immediate threat of death or serious bodily injury. Even though all Deputies must be prepared to use their firearms when necessary, the utmost restraint must be exercised in its use. Consequently, no Deputy will be disciplined for discharging a firearm in self-defense or in defense of another when faced with a situation that immediately

threatens life or serious bodily injury. Just as important, no Deputy will be disciplined for not discharging a firearm if that discharge might threaten the life or safety of an innocent person, or if the discharge is not clearly warranted by the policy and rules of the Agency.

Justification for the use of deadly force must be limited to what reasonably appears to be the facts known or perceived by an Deputy, no matter how compelling, and cannot be considered at a later date to justify a shooting.

- A. Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an Deputy's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. A Deputy's decision to draw or exhibit a firearm should be based on the tactical situation and the Deputy's reasonable suspicion there is substantial risk that the situation may escalate to the point where deadly force may be justified. When a Deputy has determined that the use of deadly force is not necessary, the Deputy shall, as soon as practicable, secure or holster the firearm.
- B. Deputy Surrendering Weapon: An Deputy or his/her partner may be at the mercy of an armed suspect who has the advantage, but experience has shown that the danger to an Deputy is not reduced by giving up his/her gun upon demand. Surrendering your weapon might be giving away your only chance for survival; therefore, a Deputy should use every tactical tool at his/her disposal to avoid surrendering the weapon.

VII. DEADLY FORCE GUIDELINES

Above all, this Agency values the safety of its employees and of the public. Likewise, it is believed that Deputies should use firearms with a high degree of restraint. Therefore, it is the policy of this Agency that the use of firearms is never to be considered routine, is permissible only in defense of life and then only after all alternative means have been exhausted.

- A. Rules Applying to the Use of Deadly Force: The above policy is the basis of the following set of rules which are designated to guide Deputies in all cases involving the use of firearms.
 - 1. Deputies shall not shoot except to protect themselves or another person from imminent death or serious bodily injury.
 - 2. Deputies shall not discharge their firearms when doing so may endanger innocent persons, unless the use of deadly force is needed to protect the life of the Deputy or another individual.
 - 3. Deputies shall not discharge their firearms to threaten or subdue persons whose actions are destructive to property or injurious to themselves unless the subject represents an imminent threat of death or serious bodily injury

to the Deputies or others.

4. Deputies shall not discharge their firearms to subdue an escaping suspect who presents no immediate threat of death or serious bodily injury.
5. Deputies shall not discharge their weapons at a moving vehicle unless it is absolutely necessary to do so to protect the life of the Deputy or others.
6. Deputies shall not fire warning shots unless the Deputy believes the warning shot may deter the actual use of deadly force. No warning shots at a fleeing person. (No threat)
7. Deputies shall not draw or display their firearms unless there is a threat of reasonable suspicion to believe there is a threat to life.

VIII. USE OF FIREARMS TO DESTROY ANIMALS

- A. A seriously wounded or injured animal may be destroyed may be destroyed at the request of the owner or when the Deputy has determined that it is necessary and humane. Vicious or aggressive animals will be dealt with by the Deputy in accordance with the guidelines of the deadly force policy.

IX. DEADLY REVIEW PROCEDURE

- A. *Psychological Services:* In all cases where any person has been injured or killed as a result of firearm discharge by a Deputy, the involved Deputy may be required to undergo a debriefing with a Agency-provided psychologist as soon as possible, but within 24 hours of the incident. The purpose of this debriefing will be to allow the Deputy to express his/her feelings and to deal with the moral, ethical, and/or psychological aftereffects of the incident. The debriefing shall not be related to any Agency investigation of the incident and everything discussed in the debriefing session will remain protected by the privileged physician-patient relationship.
- B. *Administrative Leave:* Any Deputy directly involved in a deadly force incident shall be placed on "Administrative Leave" directly upon completion of his/her preliminary report of the incident. This leave shall be without loss of pay or benefits, pending the results of the investigation. The assignment to "Administrative Leave" shall not be interpreted to imply or indicate that the Deputy has acted improperly. While on "Administrative Leave," the Deputy shall remain available at all times for official Agency interviews and statements regarding the shooting incident and shall be subject to recall duty at any time. The Deputy shall not discuss the incident with anyone except appropriate personnel assigned to the investigation, the State's Attorney's office, the Deputy's psychologist, the Deputy's private attorney, the Deputy's chosen clergy, and the Deputy's immediate family. Upon returning to duty, the Deputy may be assigned to "Administrative Duty" for a period of time as deemed appropriate by the Deputy, his/her psychologist, and the

Sheriff.

C. *The Shooting Investigation Process:* The following procedures will be used to investigate every incident of firearms discharge by a Agency member except for target practice, hunting, ballistic examinations, and incidents involving the destroying of an animal.

1. Whenever a member discharges his/her firearm either accidentally or officially, he/she shall immediately:
 - a. determine the physical condition of any injured person and render first aid when appropriate
 - b. request necessary emergency medical aid
 - c. notify the communications operator of the incident and location

The Deputy will remain at the scene (unless injured) until the arrival of the appropriate supervisor. However, if the circumstances are such that the scene might cause a more hazardous situation to develop (violent crowd), the supervisor at the scene shall have the discretion to instruct the Deputy to respond to another, more appropriate location. The Deputy will protect his/her weapon for examination and submit said weapon to the appropriate investigator. The on duty supervisor should obtain the Deputy's weapon in a discreet manner and immediately replace the Deputy's firearm with another firearm. The Deputy shall prepare a detailed report of the incident as well as a Use Of Force Report and remain available at all times for official interviews and statements regarding the case and shall be subject to recall duty at any time.

X. DEADLY WEAPONS/TRAINING AND QUALIFICATIONS

- A. While on and off duty, Deputies shall carry only weapons and ammunition authorized by this agency.
- B. Authorized weapons are those with which the Deputy has qualified and received Agency training on proper and safe usage and that and comply with Agency specifications.
- C. This agency shall schedule regular training and qualification sessions for duty, off-duty, and specialized weapons, which will be graded on a pass/fail basis.
- D. Deputies who fail to receive a passing score with their duty weapon(s) in accordance with Agency testing procedures shall be relieved of their Police Powers and immediately reassigned to non-enforcement duties.

- E. A Deputy shall not be permitted to carry any weapon with which he has not been able to qualify during the most recent qualification period.
- F. A Deputy who has taken extended leave or suffered an illness or injury that could affect his use of firearms ability will be required to re-qualify before returning to enforcement duties.

XI. REPORTING USES OF FORCE

- A. A written "Use of Force" (Appendix B) report prepared according to Agency procedures will be required in the following situations:
 1. When a firearm is discharged outside the firing range.
 2. When a use of force results in death or injury.
 3. When a non-lethal weapon is used against a person.
 4. Anytime physical force is used against a person to affect an arrest.
 5. Anytime a chemical agent is used.

****NOTE:** The use of handcuffs, although considered to be a use of force, will be excluded from the report requirement unless the Deputy encountered resistance during handcuffing and utilized any handcuff takedown techniques.

- B. A "Use of Force" report will outline the circumstances surrounding the use of force, the specific degree, amount and type of force employed, and the results of the use of force (who, what, when, where, why, and how).
- C. A supervisor will be immediately summoned to the scene and will comply with investigative procedures as required by the Agency in the following situations:
 1. When a firearm is discharged outside of the firing range.
 2. When a use of force results in death or serious injury.
 3. When a subject complains that an injury has been inflicted.